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Counsel for the Official Committee Of
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Stipulation for Withdrawal with
Prejudice of Proof of Claim Number
10725-00150 Filed by Coxey Living
Trust Dtd 12/3/98, Kenneth D. and
Valerie Coxey**

Hearing Date: September 28, 2007
Hearing Time: 1:30 ap.m.



1 The USACM Liquidating Trust (the "USACM Trust"), together with the Official
2 Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF
3 Committee), hereby stipulate with Coxey Living Trust Dtd 12/3/98, Kenneth D. and Valerie
4 Coxey ("Claimant") as follows:

5 1. On or about August 14, 2006, Claimant filed Proof of Claim No. 10725-
6 00150 against USA Commercial Mortgage Company in the amount of \$252,519.44 (the "Claim").

7 2. The basis for the Claim is shown on its face and in the attachment as an
8 investment in USA Capital First Trust Deed Fund, LLC ("FTDF"), in the amount of \$100,000, as
9 well as investments in several direct lender loans.
10

11 3. The FTDF Committee, upon reviewing FTDF's books and records, has
12 determined that Claimant in fact holds an equity security interest in FTDF in the amount of
13 \$100,000.00 as of the petition date.
14

15 4. On August 8, 2007, the USACM Liquidating Trust and the FTDF
16 Committee jointly filed an "Partial Objection of USACM Trust To Coxey Living Trust Claim to
17 the Extent Filed in Wrong Debtor's Case; Objection of FTDF to Classification as Claim and
18 Motion to Reclassify as Equity Interest" (the "Objection") [Docket No. 4446], requesting that the
19 Claim be partially disallowed to the extent it is based upon Claimant's equity interest in FTDF,
20 due to: (1) that portion having been erroneously filed in the USA Commercial Mortgage Company
21 case; and (2) that portion having been erroneously filed as a "claim," and not as an "equity
22 interest" in FTDF.
23

24 5. Claimant has agreed to withdraw the Claim with prejudice.

25 6. This stipulation shall not affect any other claims filed by Claimant in these
26 jointly-administered bankruptcy proceedings.

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1 7. This stipulation shall not affect either the amount or validity of Claimant's
2 equity interest in FTDF as reflected in FTDF's books and records.

3 WHEREFORE, based on the stipulation set forth above, the parties hereby agree,
4 and request that the Court approve this stipulation as an order of the Court pursuant to Fed. R.
5 Bankr. P. 3006, as follows:

6 1. The Claim is hereby withdrawn with prejudice.

7 2. Claimant's equity interest in FTDF is allowed in the amount of
8 \$100,000.00, as reflected in FTDF's books and records.
9

10 DATED this 24th of August, 2007.

11
12 By: /s/ Eve Karasik
13 FRANK A. MEROLA
14 EVE H. KARASIK
15 CHRISTINE M. PAJAK, Members of
16 STUTMAN, TREISTER & GLATT, P.C.
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26 *USA Capital First Trust Deed Fund, LLC*

Kenneth D. and Valerie Coxey
The Coxey Living Trust
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7. This stipulation shall not affect either the amount or validity of Claimant's equity interest in FTDF as reflected in FTDF's books and records.

WHEREFORE, based on the stipulation set forth above, the parties hereby agree, and request that the Court approve this stipulation as an order of the Court pursuant to Fed. R. Bankr. P. 3006, as follows:

1. The Claim is hereby withdrawn with prejudice.
2. Claimant's equity interest in FTDF is allowed in the amount of \$100,000.00, as reflected in FTDF's books and records.

DATED this ____ of August, 2007.

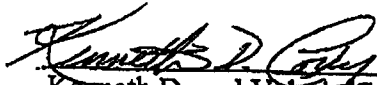
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